FEB 2 2 1999

572 (98) #10

PTO/SB/64 (3-98)/
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Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional) Cell 4.17				
First named inventor: R. Kucherlapati					
Application No.: 08/724,752 Group Art Unit: 1632					
Filed: October 2, 1996 Examiner: Karen Hauda					
Title: HUMAN ANTIBODIES DERIVED FROM XENOMICE					
Attention: Office of Petitions Assistant Commissioner for Patents Box DAC Washington, D.C. 20231					
NOTE: If information or assistance is needed in completing this form, p Information at (703)305-9282.	lease contact Petitions				
The above-identified application became abandoned for failure to file a timely and proper reply to the Office action mailed on August 5, 1997, which set a three month/day period for reply. The abandonment date of this application is February 6, 1998 (i.e., the day after the expiration date of the period set for reply plus any extensions of time obtained therefor).					
APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION					
NOTE: A grantable petition requires the following items:  (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee required for all utility and plant applications filed before June 8, 1995, and for all design applications; and  (4) Statement that the entire delay was unintentional.					
1. Petition fee  Small entity - fee \$ 605.00(37 CFR 1.17(m))  Small entity statement enclosed herewith.	FEB 26 1999				
Small entity statement previously filed	PUTY AND PATENTS				
x is enclosed herewith.	identify type (15 to 000000 type):				
B. The issue fee of \$ has been paid previously on	00000				
is enclosed herewith.					

[Page 1 of 2]

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and rademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commission of Patents, Washington, DC 20231.

PTO/SB/64 (3-98)

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Terminal disclaimer with disclaimer fee				
Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.				
A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ for a small entity or \$ for other than a small entity) disclaiming a period equivalent to the number of months from the date of abandonment to the filing of this petition is enclosed herewith.				
4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. Check box A, or check box B and/or C as applicable and include an explanation of the delay on a separate sheet or on supplemental sheet PTO/SB/64A.				
	Α		ree months of the date the applicant was first notified, or otherwise cation was abandoned and within one year of the date of abandonment	
X	В	This petition is <b>not</b> filed within three months of the date the applicant was first notified, or otherwise became aware, that the application was abandoned. A detailed explanation of the cause of the delay in filing the petition is attached on a separate sheet or on supplemental sheet PTO/SB/64A.		
	С	This petition is <b>not</b> filed within one year of the date of abandonment of the application. The applicant first became aware of the abandonment on A detailed explanation of the delay in discovering the abandoned status of the application is attached on a separate sheet or on supplemental sheet PTO/SB/64A.		
February 5, 1999  Date  Signature				
Telephone Number (212) 596-9060  Jane T. Gunnison				
Number: (212	ـــ ر	<del>900-9000</del>	Typed or printed name	
			FISH & NEAVE	
			Address	
			1251 Avenue of the Americas, NY, NY 10020	
Enclosures:	X	Fee Payment		
	X	Reply		
		Terminal Disclaimer Form		
▼ Small Entity Status Form (copy)				
	X	Additional sheets containing	g statements establishing unintentional delay	
•	X	Petition For Exter	nsion of Time with check.	
CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]				
I hereby certify that this correspondence is being:				
deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.    transmitted by facsimile on the date shown below to the Patent and Trademark Office at (703) 308-6916.				
2/5/99 \auer. Gunnison				
Date Signature				
			Jane T. Gunnison	
			Typed or printed name of person signing certificate	

Cell 4.17

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner

Karen Hauda

Group

1632

Applicants

R. Kucherlapati et al.

Serial No.

08/724,752

Filed

October 2, 1996

For

HUMAN ANTIBODIES DERIVED FROM

IMMUNIZED XENOMICE

New York, New York Februar 1999

Hon. Assistant Commissioner for Patents Washington, D.C. 20231

FEB 26 1999

OFFICE OF PETITIONS DEPUTY A/C PATENTS

SUPPLEMENT TO PETITION UNDER 37 CFR \$1.137(b) TO REVIVE AN UNINTENTIONALLY ABANDONED PATENT APPLICATION

Sir:

This is a supplement to applicants' Petition Under 37 C.F.R. § 1.137(b) (Form PTO/SB/64), filed concurrently herewith. Applicants are filing the petition more than three months after becoming aware that the above-identified application was abandoned. Accordingly, applicants submit herewith the explanation for the delay in filing this petition.

Applicants transferred the above-identified application, along with a large number of related patent applications, to Fish & Neave for prosecution in July of 1997. During the transition period an August 5, 1997 Office Action was apparently mailed to applicants' former representatives (copy of first page enclosed). The Office

Action was never received by applicants or Fish & Neave. Nor have applicants' former counsel been able to locate a copy in their files. They believe it was never received. Applicants and Fish & Neave received a Notice of Abandonment on April 30, 1998.

Applicants delayed petitioning to revive the unintentionally abandoned application and filing the required response to the outstanding Office Action while they developed an overall strategy for advancing the prosecution of the family of seventeen applications of which this application is a member.

From the date they became aware that the instant application was inadvertently abandoned until the present, applicants have been working diligently with Examiner Hauda to review the pending applications, including this application, and to work out an efficient strategy for expediting the prosecution of the inventions disclosed With the help of Examiner Hauda and SPE Stanton, applicants have made progress toward that goal. Applicants' have now been able to file this petition to revive the unintentionally abandoned application and to submit claims in an Amendment and Response to the August 5, 1997 Office Action, that take into account language that the Examiner has indicated to be acceptable.

Grant of this petition in requested.

Respectfully submitted,

I Hereby Certify that this Correspondence is being Deposited with the U.S. Postal Service as First Class Mail in an Knyelope Addressed to: ASSISTANT COMMISSIONER FOR PATENTS WASHINGTON D.C 20231. on

IQUET. GOUNTSON Name of person Signing

Signature of Person Signing

Jane T. Gunnison (Reg. No. 38,479)

Attorney for Applicants

FISH & NEAVE c/o

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